

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No.: 09/781,273
Attorney Docket No.: Q62912

REMARKS

Claims 1-19 are all the claims pending in the application.

Claim Objections

Claims 11 and 16 stand objected to because it is allegedly unclear what characters (1) and (2) refer to in the claims. Applicant respectfully traverses the objection.

Claims 11 and 16 both recite ratios and the characters are used to clarify the ratios. Read in context, it is clear that this is the purpose of the characters. Additionally, claims 11 and 16 have been amended to change the position of the character (2) so as to further clarify the claims. Specifically, the character (2) now follows the word “to” in both claims 11 and 16. It is clear that characters (1) and (2) are used to designate the parts of the ratio such that the claims recite a ratio of (1) to (2), with the text following the (1) being compared to the text following the (2).

Claim Rejections - 35 U.S.C. § 112

Claims 11, 13, 16 and 18 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant respectfully traverses this rejection.

As discussed above with regards to the claim objection, characters (1) and (2) clarify the ratio term and claims 11 and 16 have been amended to further clarify the meaning of the characters. Thus, it is clearly understood that the claim 11 recites *inter alia* “a ratio of (1) a sum of a spectrum average level of the second reproduced sound and a spectrum average level of the third reproduced sound to (2) a spectrum average level of the first reproduced sound is set equal

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to a predetermined value.” (emphasis added) Claim 16 is clearly understood in a similar manner. Applicant submits that in view of the above arguments claims 11 and 16 are definite. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of these claims. Claims 13 and 18 were rejected as being indefinite because they depended from claims 11 and 16 respectively. Accordingly, Applicant submits that claims 13 and 18 are also definite in light of the above arguments and respectfully requests that the Examiner withdraw the rejection of claims 13 and 18 as well.

Claim Rejections - 35 U.S.C. § 103

Claims 1-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,386,478 (Plunkett) in view of U.S. Patent No. 5,581,621 (Koyama et al.). Applicant respectfully traverses this rejection at least because Plunkett and Koyama fail to teach or suggest every element as set forth in Applicant’s claims.

For example, claim 1 recites “a first step of supplying a noise simultaneously to said plurality of first sound generating means and then detecting a reproduced sound in the first reproducing frequency band that is reproduced by said plurality of first sound generating means.” Plunkett and Koyama do not teach or suggest sounding a plurality of speakers simultaneously and detecting the resulting sound produced by the plurality of speakers. Plunkett discloses sequentially, not simultaneously, applying a tone burst to loudspeakers and detecting the resultant sound. (*See* column 3, lines 40-44) Plunkett is directed at receiving signals from individual speakers placed at different locations, and adjusting them to correct for the

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asymmetrical location of the speakers. To adjust the individual speakers, a microphone must pick up acoustic signals from an individual speaker, not a plurality of speakers. The microphone in Plunkett is able to detect the sounds from individual speakers because they are sounded at different times. Therefore, Plunkett does not disclose a sound being supplied simultaneously to a plurality of first speakers. Further, since Plunkett specifically seeks to adjust the sounds produced by individual speakers, one of ordinary skill in the art would not modify Plunkett have a plurality of speakers produce a sound simultaneously.

Like Plunkett, Koyama discloses detecting sounds from speakers sequentially. The microphone of Koyama detects an output from only a single speaker in the Koyama step of adjusting amplifier gain. (*See* Koyama column 24, lines 46-48) In this manner each speaker is checked individually. (*See* Koyama column 25, lines 51-53) A sound is not detected from a plurality of speakers that are sounded simultaneously, the sound is only detected from a selected speaker. Plunkett and Koyama are both directed at sequentially detecting sounds from individual speakers. Even taking the teachings of Plunkett and Koyama together there is only a suggestion to detect a sound made from an individual speaker. Therefore, neither Plunkett nor Koyama (either taken alone, or in combination) teach or suggest the first step as set forth in claim 1. Applicant respectfully requests that the Examiner withdraw the rejection of claim 1.

Independent claims 2, 5, 6, 10, 11, 15 and 16 are allowable for reasons similar to those cited above for the allowability of claim 1. Therefore Applicant respectfully requests that the Examiner withdraw the rejection of claims 2, 5, 6, 10, 11, 15 and 16.

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Further claims 3, 4, 7-9, 12-14 and 17-19 depend from various ones of claims 1, 2, 5, 6, 10, 11, 15 and 16. Therefore claims 3, 4, 7-9, 12-14 and 17-19 are allowable at least because of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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